

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LOYE A. BLAKE, JR.

Plaintiff,

vs.

ROBERT HARRISON, as operator of the Motor
Vessel CHUCKIE D; BELLAIRE HARBOR
SERVICE, LLC, as owner or owner pro hac vice
of the Motor Vessel CHUCKIE D, and a flat-
deck barge,

Defendants.

Case No. 2:09-cv-537

Magistrate Judge Kemp

RULE 26(f) REPORT OF PARTIES

1. Pursuant to F.R. Civ.P. 26(f), a meeting was held on December 9, 2009, and was attended by:

Stephen P. Moschetta, counsel for Plaintiff

Leonard Fornella, counsel for all Defendants

2. **Consent to Magistrate Judge.** The parties:

___ unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636 (c).

X do not unanimously consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636 (c).

3. **Initial Disclosures.** The parties:

___ have exchanged the initial disclosures required by Rule 26(a)(1)

X will exchange such disclosures by **December 31, 2009.**

___ are exempt from such disclosures under Rule 26(a)(1)(E).

___ have agreed not to make initial disclosures.

4. **Jurisdiction and Venue**

a. Describe any contested issues relating to: (1) subject matter jurisdiction, (2) personal jurisdiction and/or (3) venue:

None.

- b. Describe the discovery, if any, that will be necessary to the resolution of issues relating to jurisdiction and venue:

None.

- c. Recommended date for filing motions addressing jurisdiction and/or venue:

N/A.

5. Amendments to Pleading and/or Joinder of Parties

- a. Recommended date for filing motion/stipulation to amend the pleadings or to add additional parties: March 31, 2010.

- b. If class action, recommended date for filing motion to certify the class: N/A.

6. Recommended Discovery Plan

- a. Describe the **subjects** on which discovery is to be sought and the nature and extent of discovery that each party will need:

(1) Facts surrounding the July 11, 2006 incident; (2) Plaintiff's alleged injuries, medical care and damages; (3) Plaintiff's current physical condition; (4) Negligence of Plaintiff, Defendant and the subject vessel.

- b. What **changes** should be made, if any, in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the local rules of this Court?

None.

- c. The case presents the following issues relating to disclosure or discovery of **electronically stored information**, including the form or forms in which it should be produced:

None known at this time.

- d. The case presents the following issues relating to claims of **privilege or of protection as trial preparation materials**:

- i. Have the parties agreed on a procedure to assert such claims **AFTER** production?

X No

 Yes

 Yes, and the parties ask that the Court include their agreement in an Order.

e. Identify the discovery, if any, that can be **deferred** pending settlement discussion and/or resolution of potentially dispositive motions:

None.

f. The parties recommend that discovery should proceed in **phases**, as follows:

Fact discovery through June 15, 2010, with a post-fact discovery status conference on June 22, 2010. Expert discovery will be addressed at the post-fact discovery Status Conference.

g. Describe the areas in which **expert testimony** is excepted and indicate whether each expert will be specially retained within the meaning of F.R.Civ.P.26(a)(2):

i. Recommended date for making **primary expert designations**: **See paragraph 6(f).**

ii. Recommended date for making **rebuttal expert designations**: **See paragraph 6(f).**

h. Recommended discovery **completion date**: **June 15, 2010.**

7. Dispositive Motion(s)

a. Recommended date for filing dispositive motions:

The parties request that the date for dispositive motions be addressed following the post-fact discovery Status Conference.

8. Settlement Discussions

a. Has a settlement demand been made? **No.** A response?

b. Date by which a settlement demand can be made: **December 31, 2009.**

c. Date by which a response can be made: **January 15, 2010.**

9. Settlement Week Referral

The earliest Settlement Week referral reasonably likely to be productive is the

___ March 2010 Settlement Week

X June 2010 Settlement Week

___ September 2010 Settlement Week

___ December 2010 Settlement Week

10. Other matters for the attention of the Court: None.

Signatures:

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